

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

RUBEN MORALES GONZALEZ,

Petitioner,

v.

CHARLES SCHUYLER, et al.,

Respondents.

Case No. 24-cv-01164-SK

ORDER TO SHOW CAUSE

Petitioner, a prisoner incarcerated in Valley State Prison, Chowchilla, has filed a petition for a writ of habeas corpus, pursuant to 28 U.S.C. § 2254, challenging a judgment entered and sentenced imposed by Contra Costa County Superior Court. The petition is properly before the undersigned for initial review because Petitioner has consented to the jurisdiction of a magistrate judge pursuant to 28 U.S.C. § 636(c). (Dkt. No. 4.)

DISCUSSION

A. Legal Standard.

This Court may entertain a petition for a writ of habeas corpus on behalf of a person “in custody in violation of the Constitution or laws or treaties of the United States.” 28 U.S.C. § 2241(c)(3). It shall “award the writ or issue an order directing the respondent to show cause why the writ should not be granted, unless it appears from the application that the applicant or person detained is not entitled thereto.” *Id.* § 2243.

B. Petitioner’s Legal Claims.

Petitioner seeks federal habeas corpus relief by asserting that his Fourteenth Amendment right to due process was violated by actions and/or decisions of the superior court. Petitioner also asserts that his Sixth Amendment right to effective assistance of counsel was violated, as well as his Eighth Amendment right to be free from cruel and unusual punishments. Liberally construed,

the claims appear potentially colorable and merits an answer from Respondents.

CONCLUSION

For the foregoing reasons and for good cause shown:

1. Petitioner shall serve a copy of this Order and the petition upon the Respondent Warden Charles Schuyler and Real Party in Interest People of the State of California.
2. Respondent shall file with the Court and serve on Petitioner, within 75 days of being served with this Order, an answer responding to the allegations in the petition and showing cause why a writ of habeas corpus should not be granted. Respondent shall file with the answer and serve on Petitioner a copy of all documents that are relevant to a determination of the issues presented by the petition.
3. If Petitioner wishes to respond to the answer, he shall do so by filing a response with the Court and serving it on Respondent within 30 days of his receipt of the answer.

IT IS SO ORDERED.

Dated: July 31, 2024



SALLIE KIM
United States Magistrate Judge